

# DEVELOPMENT REVIEW BOARD REPORT



MEETING DATE: September 21, 2006

ITEM NO. \_\_\_\_\_

CASE NUMBER/ PROJECT NAME	<b>49-DR-2006</b> <b>Frontier Street Shops</b>		
LOCATION	7420 E. Main Street		
REQUEST	Request approval of a site plan, landscape plan, and elevations for retail shops on East Main Street.		
OWNER	Ortega Family Holdings LLC 480-991-4224	ENGINEER	N/A
ARCHITECT/ DESIGNER	David D Ortega, AIA 480-991-4224	APPLICANT/ COORDINATOR	David D Ortega, AIA 480-991-4224
BACKGROUND	<p><b>Zoning.</b></p> <p>The subject property is currently zoned Central Business District Downtown Overlay (C-2/DO), which permits all uses in the (C-1) neighborhood commercial district, plus commercial activities designed to serve the community. This district includes uses usually associated with the central business district and shopping facilities, which are not ordinarily compatible with residential development.</p> <p><b>Context.</b></p> <p>The site is located approximately 55 feet west of the northwest corner of East Main Street and North Brown Avenue. The site is surrounded by other commercial developments.</p> <p>Adjacent Uses:</p> <ul style="list-style-type: none"><li>• North: Retail use, zoned C-2 DO</li><li>• South: Bar and retail uses, zoned D/RS-1 DO</li><li>• East: Retail use, zoned C-2 DO</li><li>• West: Retail use, zoned C-2 DO</li></ul> <p><b>Applicant's Request.</b></p> <p>The applicant's request is for the approval of the site plan, landscape plan and elevations for the remodel of the existing retail shops on East Main Street.</p> <p><b>Development Information:</b></p> <ul style="list-style-type: none"><li>• Existing Use: Retail</li><li>• Proposed Use: Retail</li><li>• Parcel Size: 9,840 Square feet</li></ul>		
APPLICANT'S PROPOSAL			

- Building Size: 6,102 Square feet
- Building Height Allowed: 36 Feet
- Building Height Proposed: 20 Feet 8 inches
- Parking Required: 22 Spaces
- Parking Provided: 26.89 Parking District credits
- FAR Allowed: 1.3
- FAR provided: 0.66

## BACKGROUND

This application was continued by the Development Review Board at the August 24, 2006 meeting to have the applicant review several aspects of the elevations. The Board expressed the following concerns:

1. Provide a post at the corner of the roof where the arcade opening is, or the use of brackets to maintain the clearance.
2. Tone down the colors or blend the colors with the adjacent buildings.
3. The color contrast between the yellow and the other colors.
4. Consider the use of paned windows on the lower levels.
5. Roof material
6. Provide an entrance from suites A and B to the rear side street (alley and parking).
7. Consider turning the wood planks on the west building vertically instead of horizontally.
8. Consider how the detailing of the roof and roof corners will functionally work.
9. Revise all plans so that they are consistent.

In response to these concerns the applicant has revised the plans as outlined below.

- A. Provided a column on the east and west arcades that is aligned with the building corners.
- B. Turned the wood planks vertically above the arcade of the west build.
- C. Using cedar shake shingles on all of the angled roofs.
- D. Clarified the existence of an entrance and proposed gate between Building A and B.
- E. Revised the plans so that they are consistent.
- F. Provided additional detailing on the plans, and limited the number of different columns types to one.

## DRB Comments Not Addressed

The DRB also commented during the last hearing that the applicant should tone down the proposed colors and should utilize paned windows on the lower levels. The applicant has chosen not to change the plans to reflect these concerns, and has responded to the DRB in their response letter of September 1, 2006, which is attached as Attachment 1 to this staff report.

## DISCUSSION

The existing building contains 6,527 gross square feet and the applicant's proposal reduces this to 6,102 gross square feet. In addition, the revised site plan

will include new courtyard hardscape, which will be bomanite “Old Town Flagstone” and a wood boardwalk. Within the courtyard, the proposal includes the addition of a Palo Brea tree. The applicant has also provided two photos, Attachment 12, of the existing building.

The existing elevations will be revised to include raised parapets, new roof structures, and covered walkways. The exterior walls will be refinished with a batten wood, and a stone veneer finish. The exterior walls will be painted Frazee 6285R (brick red), Frazee 5304D (brown), Frazee 4421M (yellow), and Frazee 5003M (gray blue). The covered walks will have exposed rafters and cedar shake shingles. The gable roof of the west building will also utilize the cedar shake shingles. To support the covered walkways, the applicant is proposing one post design that will be utilized and painted to match the building.

OTHER BOARDS AND  
COMMISSIONS

A previous rendition of this proposal was presented to the Development Review Board at the July 20, 2006 Development Review Board Study Session, and at the August 24, 2006 Development Review Board hearing.

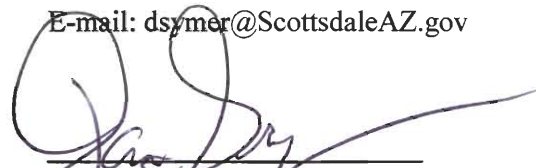

STAFF  
RECOMMENDATION

Staff recommends approval of the proposed site plan, landscape plan, and elevations, subject to the proposed stipulations.

**STAFF CONTACT(S)**

Dan Symer  
Senior Planner  
Phone: 480-312-4218  
E-mail: dsymer@ScottsdaleAZ.gov

**APPROVED BY**

  
\_\_\_\_\_  
Dan Symer  
Report Author  
\_\_\_\_\_  
Lusia Galav, AICP  
Director, Current Planning  
Phone: 480-312-2506  
E-mail: lgalav@scottsdaleAZ.gov

**ATTACHMENTS**

- A. Stipulations/Zoning Ordinance Requirements
- 1. Applicant's Response Narrative
- 2. Context Aerial
- 2A. Aerial Close-Up
- 3. Zoning Map
- 4. Petition
- 5. Perspective
- 6. Streetscape
- 7. Site and Landscape Plan
- 8. Elevations
- 9. Streetscape Photos
- 10. Details
- 11. Material Board
- 12. Existing Building photos
- 13. Historical Photos
- 14. July 20, 2006 Development Review Board Study Session Minutes.
- 15. August 24, 2006 Development Review Board Hearing Minutes.

## **Stipulations for Case: Frontier Street Shops Case 49-Dr-2006**

Unless otherwise stated, the applicant agrees to complete all requirements prior to final plan approval, to the satisfaction of Project Coordinator and the Final Plans staff.

### **PLANNING**

#### **APPLICABLE DOCUMENTS AND PLANS:**

##### **DRB Stipulations**

1. Except as required by the City Code of Ordinances, Zoning Regulations, Subdivision Regulations, and the other stipulations herein, the site design and construction shall substantially conform to the following documents:
  - a. Architectural elements, including dimensions, materials, form, color, and texture, shall be constructed to be consistent with the building elevations submitted by David Ortega Architect with a date provided on the plans by City Staff of 9/1/2006.
  - b. The location and configuration of all site improvements shall be constructed to be consistent with the site plan submitted by David Ortega Architect with a date provided on the plans by City Staff of 9/1/2006.
  - c. Landscaping, including quantity, size, and location of materials shall be installed to be consistent with the conceptual landscape plan submitted by David Ortega Architect with a date provided on the plans by City Staff of 9/1/2006.

#### **ARCHITECTURAL DESIGN:**

##### **DRB Stipulations**

2. The face of the service entrance section(s) shall be flush with the building façade and painted to match the building.
3. All exterior mechanical, utility, and communications equipment shall be screened by parapet or wall that matches the architectural color and finish of the building. Wall or parapet height for roof-mounted units shall meet or exceed the height of the tallest unit. Wall height for ground-mounted units shall be a minimum of 1 foot higher than the tallest unit.
4. All exterior conduit and raceways shall be painted to match the building.
5. No exterior roof ladders shall be allowed where they are visible to the public or from an off-site location.
6. Roof drainage systems shall be interior, except that overflow scuppers are permitted. If overflow scuppers are provided, they shall be integrated with the architectural design.
7. Dooley wall fencing shall not be allowed.

#### **SITE DESIGN:**

##### **Ordinance**

- A. *The applicant shall obtain an encroachment permit for any work in the City right-of-way.*
- B. *The applicant shall receive approval for Land Assemblage of the two parcels prior to issuance of a building permit.*

**EXTERIOR LIGHTING DESIGN:****DRB Stipulations**

8. *All exterior HID source luminaires shall meet all IESNA requirements for full cutoff, and shall be aimed downward and away from property line except for sign and parking lot canopy lighting.*
9. The individual luminaire lamp shall not exceed 250 watts.
10. The maximum height from finished graded to the bottom of the any exterior luminaire shall not exceed 20 feet.
11. All exterior light poles, pole fixtures, and yokes shall be a flat black or dark bronze.
12. Incorporate into the project's design, the following:

**Parking Lot and Site Lighting:**

- a. The maintained average horizontal illuminance level, at grade on the site, shall not exceed 2.5 foot-candles.
- b. The maintained maximum horizontal illuminance level, at grade on the site, shall not exceed 10.00 foot-candles. All exterior luminaires shall be included in this calculation.
- c. The initial vertical illuminance at 6.0 foot above grade, along the entire property line (or 1 foot outside of any block wall exceeding 5 foot in height) shall not exceed 1.5 foot-candles. All exterior luminaires shall be included in this calculation.

**Building Mounted Lighting:**

- d. All luminaires shall be recessed or shielded so the light source is not directly visible from property line.
- e. *All luminaires that are not full cutoff shall utilize incandescent, halogen, or florescent lamp sources.*

**Court Yard Landscape Lighting**

- f. All landscape lighting directed upward shall utilize the extension visor shields to limit the view of the lamp source.
- g. Landscaping lighting shall only be utilized to accent plant material.
- h. All landscape lighting directed upward, shall be aimed away from property line.
- i. All landscape lighting hanging in vegetation, shall contain recessed lamps, and be directed downward and away from property line.
- j. The landscape lighting lamp shall be an incandescent or halogen incandescent source, and shall not exceed 50 watts.

**VEHICULAR AND BICYCLE PARKING:****DRB Stipulations**

13. The developer shall provided a minimum of 4 bike parking spaces (two bike rungs) in the court yard.
14. Bike rack design shall be in conformance with City of Scottsdale M.A.G. Details unless otherwise approved in writing by the City of Scottsdale's Transportation Department.

**ADDITIONAL PLANNING ITEMS:****DRB Stipulations**

15. Flagpoles, if provided, shall be one piece, conical, and tapered.
16. Patio umbrellas shall be solid colors and shall not have any advertising in the form of signage or logos.

**Ordinance**

- C. No exterior vending or display shall be permitted without a separate Development Review Board or Use Permit Approval.

**ENGINEERING**

The following stipulations are provided to aid the developer in submittal requirements, and are not intended to be all inclusive of project requirements. The developer shall submit engineering design reports and plans that demonstrate compliance with city ordinances, the Scottsdale Revised Code and the Design Standards and Policies Manual.

**DRB Stipulations**

**INTERNAL CIRCULATION:**

18. SITE PLAN: The developer shall submit a site plan showing the proposed improvements, alleys, streets, sidewalks, curb & gutter etc... as required per the City of Scottsdale submittal requirements  
The final plans shall show sidewalk width between posts to be a minimum 6 foot clear.

**DRB Stipulations**

19. When substantial improvements or landscaping are proposed within a utility easement, an indemnity agreement shall be required. The agreement shall acknowledge the right of the City to access the easement as necessary for service or emergencies without responsibility for the replacement or repair of any improvements or landscaping within the easement.

**REFUSE:**

**DRB Stipulations**

20. The owner shall provide documentation of a shared refuse enclosure agreement.

**DAVID ORTEGA ARCHITECT & ASSOCIATES, INC.**

7051 FIFTH AVE SUITE 202

SCOTTSDALE, AZ 85251

(480) 991-4224

ORTEGARCHI@COX.NET

September 1, 2006

Mr. Dan Symer Senior Planner  
7447 Indian School  
Scottsdale, Arizona 85251  
RE: 49- DRB 2006

Dear Dan,

At the hearing, we presented additional signatures of support from all major property owners on Main Street and Brown Avenue. By receiving their unanimous approval we have responded to context concerns and preservation of our Western tradition.

We have revised the submittal to clarify inconsistencies raised at DRB.

- 1) Sht 1/8 & 3/8 Site Plan indicates entry posts in line with the existing opening.
- 2) Sht 3/8 Site Plan Suspended walkway canopy joins sidewalk canopy with 45 degree corner. The inner passage walkway is desirable per Downtown Guidelines.
- 3) Sht 1/8, 2/8, 4/8 & 5/8 The west building has a shake roof rather than wood slats and the West building board and batt is all vertical.
- 4) Sht 8/8 Window and Wood Rail Details indicate rustic window and turned wood balusters similar to Sabas balcony feature.

As to color, please note that the Flaggs Building parapet is a dark redwood color which has peeled and oxidized. At the new West building, the proposed burnt red color is similar to the existing façade color and is consistent with the burnt red color which is found in Old Town. Across the inner passage, the East building is proposed as a sand color. Accordingly, less than half of the project street frontage would have the deep tone parapet.

Thank you for your assistance with this project which is a key to Old Town. Please advise if further information is needed.

Sincerely,

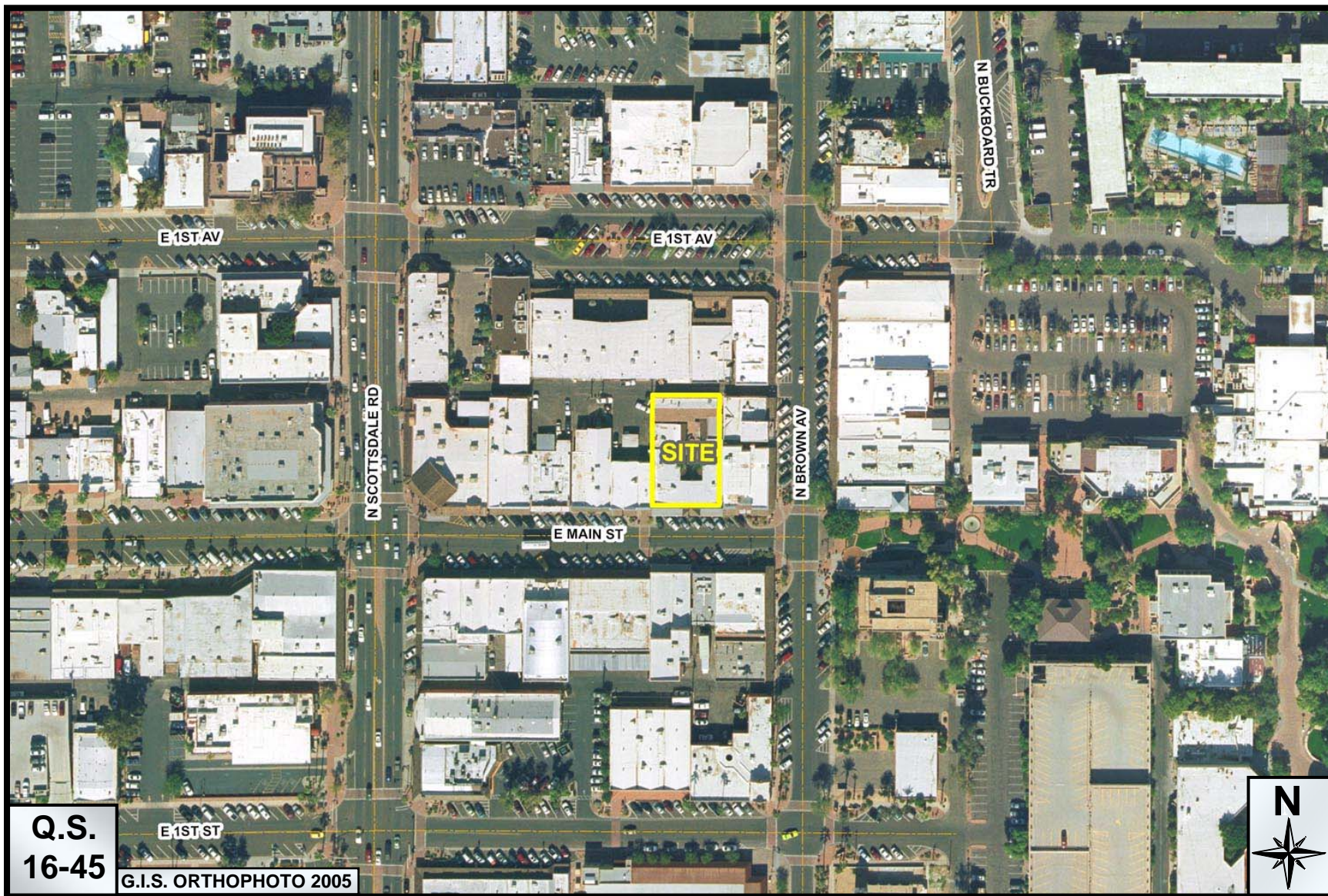
A handwritten signature in dark ink, appearing to read 'David Ortega', written over a series of three overlapping triangles drawn with light pencil lines.

David Ortega AIA  
CC: Please attach this correspondence to DRB packet

**ATTACHMENT #1**

**49-DR-2006**  
**REV: 09/01/2006**



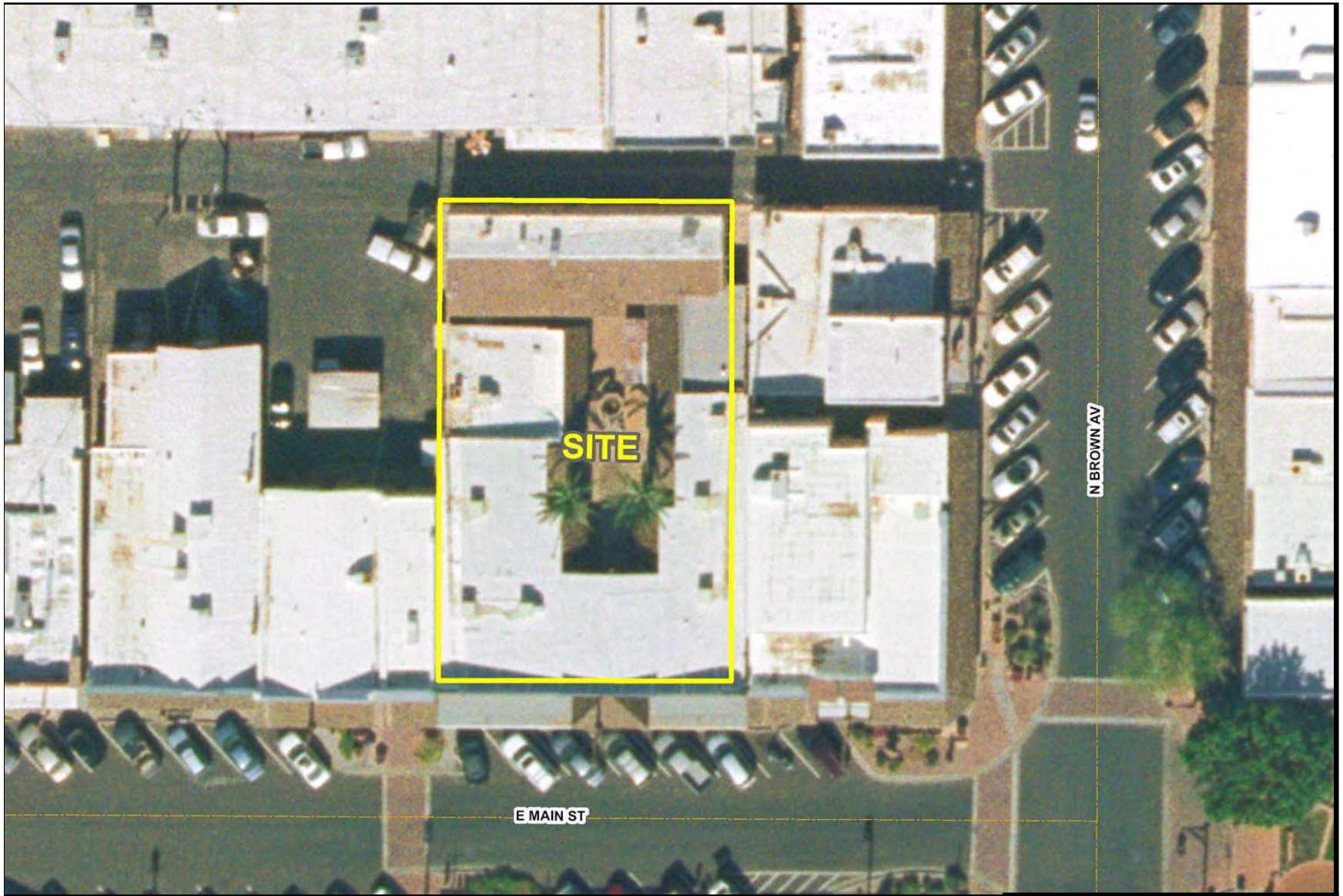


Frontier Street Shops

49-DR-2006

ATTACHMENT #2





Frontier Street Shops

**49-DR-2006**

ATTACHMENT #2A



49-DR-2006

ATTACHMENT #3

I

**FRONTIER STREET PETITION**

We are nearby Property Owners and/ or Business Owners in the vicinity of Old Town Scottsdale, who support the Frontier Street project. This project will add more interest to Main Street and is very compatible with the Western image of Old Scottsdale.

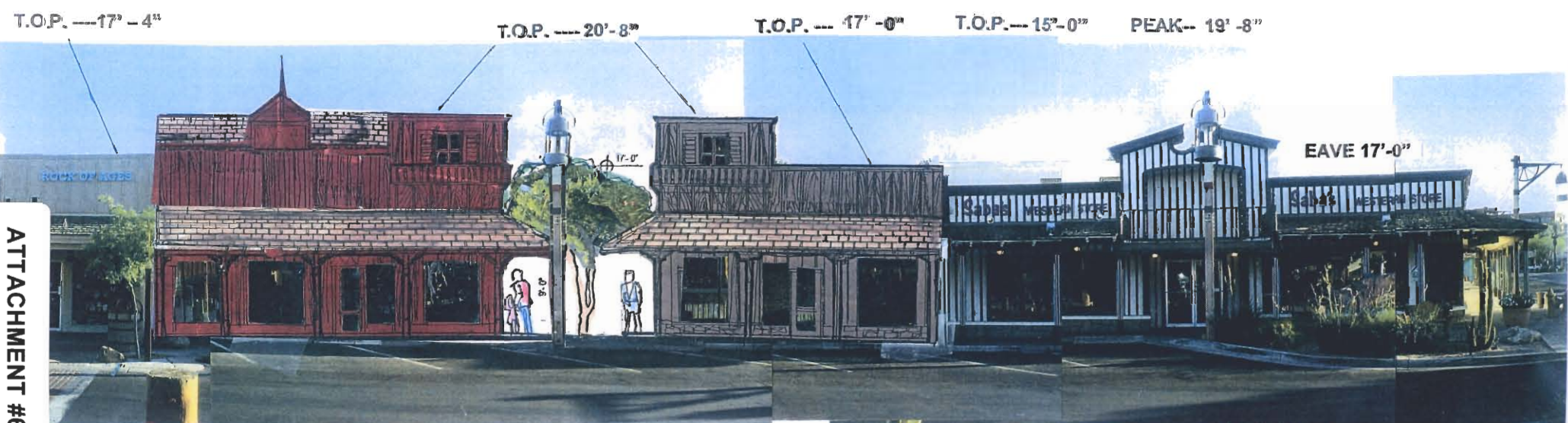
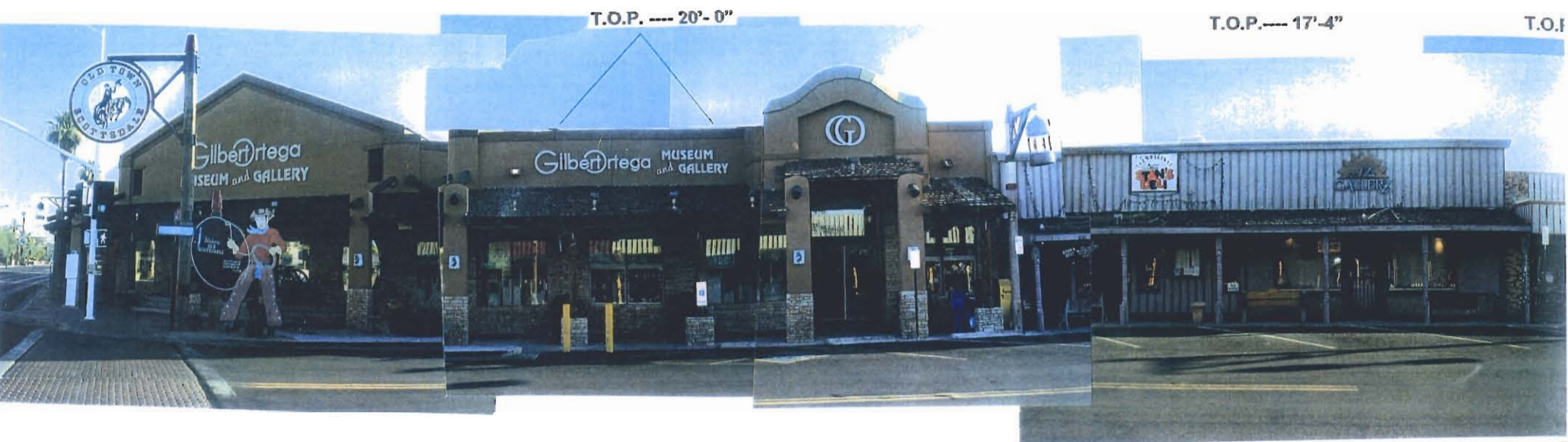
Signature	Print	Business	Address	Date
<i>Sue Amireh</i>	Sue Amireh	Native Traditions	17233 E Main St Scottsdale, AZ 85255	8-11-06
<i>HONG Bischoff</i>	HONG Bischoff	Shed of the West	17247 E MAIN ST Scottsdale AZ. 85255	
<i>Rosann S. Org</i>	Rosann S. Org	Mexican Impact	3933 N Brown Ave Scottsdale AZ 85257	
<i>Pat Simmon</i>	PAT Simmon	WORK AT SABAS	4705 N. 68th A Scottsdale AZ	15 Aug 06
<i>Roger Sala</i>	Roger Sala		3965 N. A Scottsdale AZ	
<i>Marilynn Altkorn</i>	Marilynn Altkorn		3957 N. Brown Ave. 7212 Scottsdale Rd	
<i>Shirley Stone</i>	Shirley Stone	Shirley's Deli		
<i>C. Lorraine White</i>	C. Lorraine White		Property at SE Corner Scotts. Rd + Main Street	
<i>John White</i>	John White			





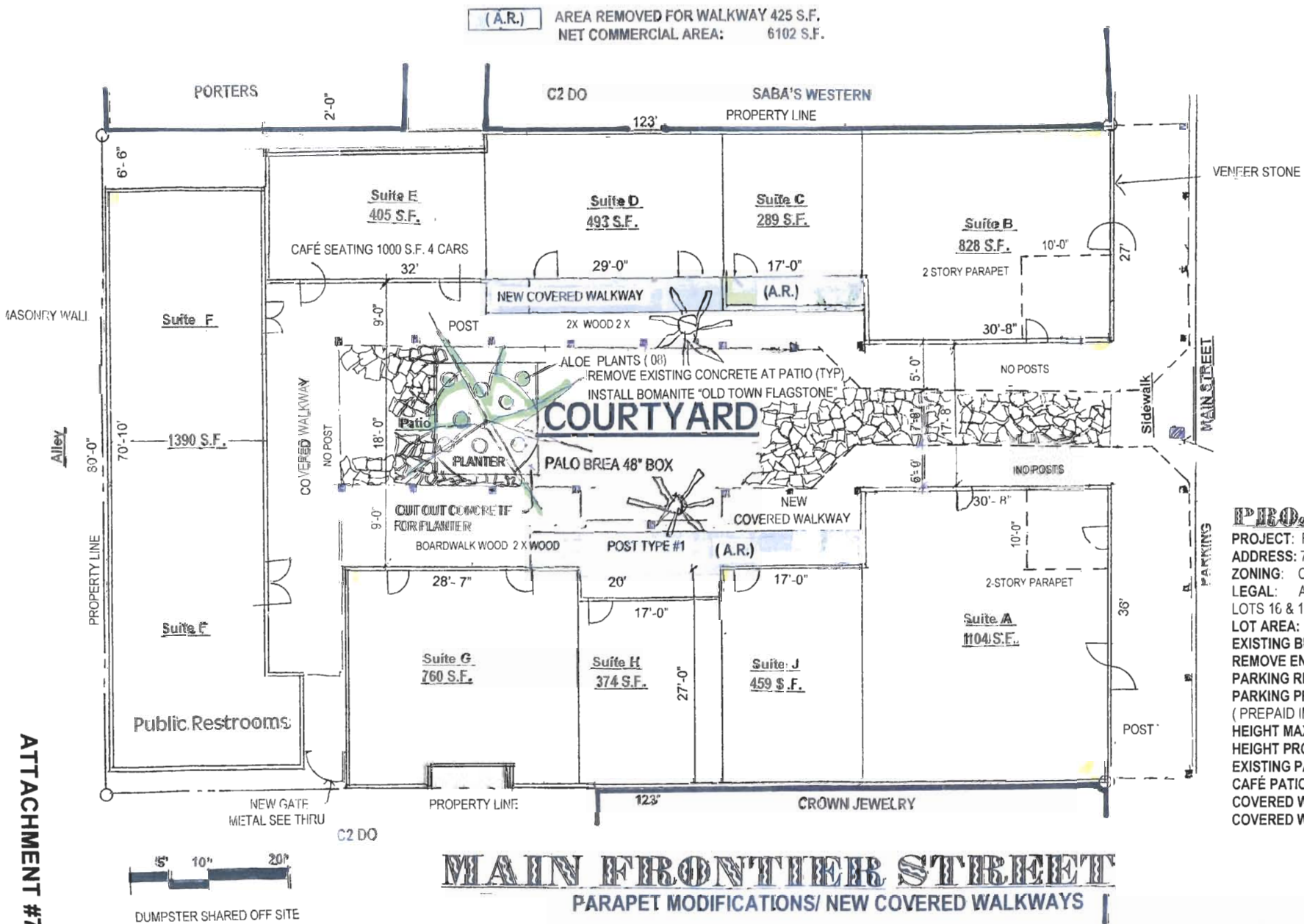
MAIN FRONTIER STREET





ATTACHMENT #6

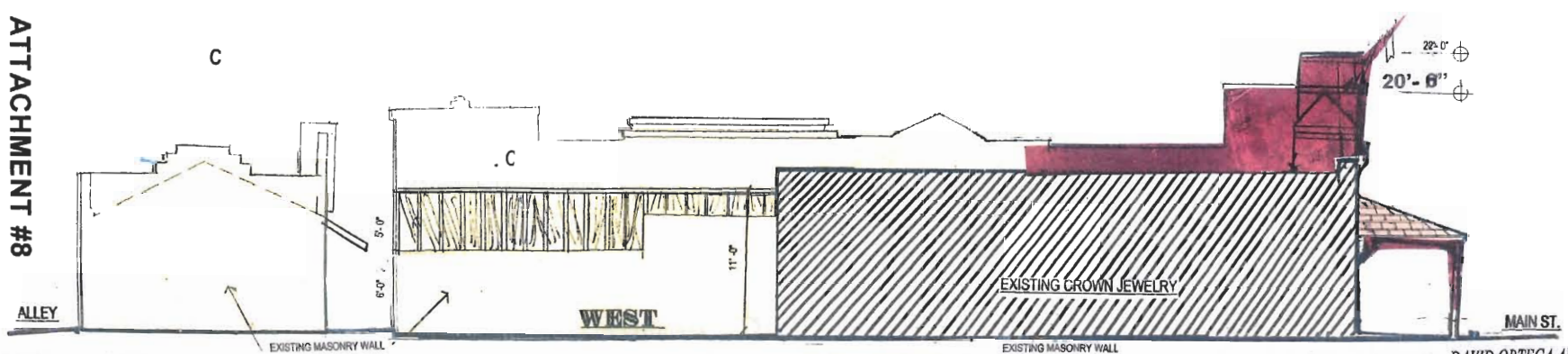
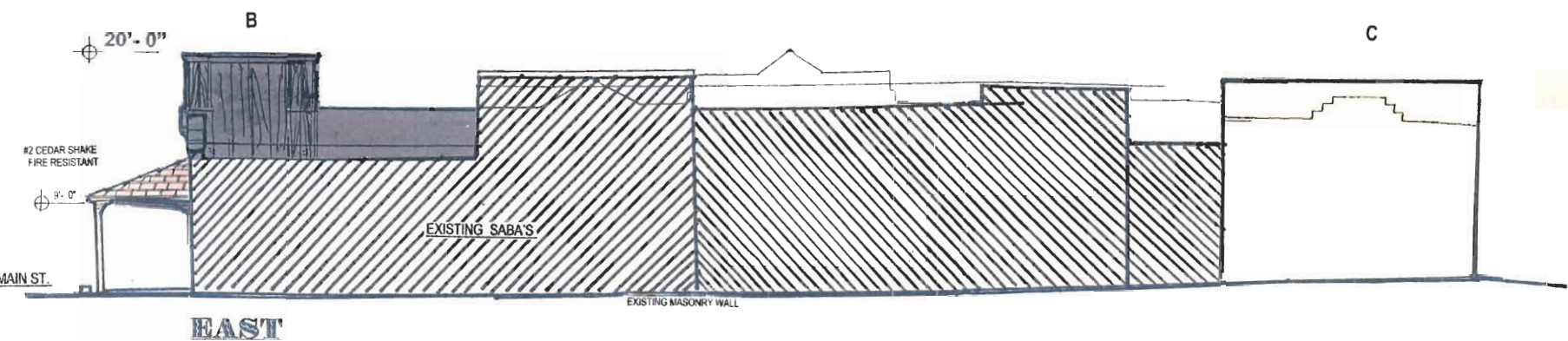
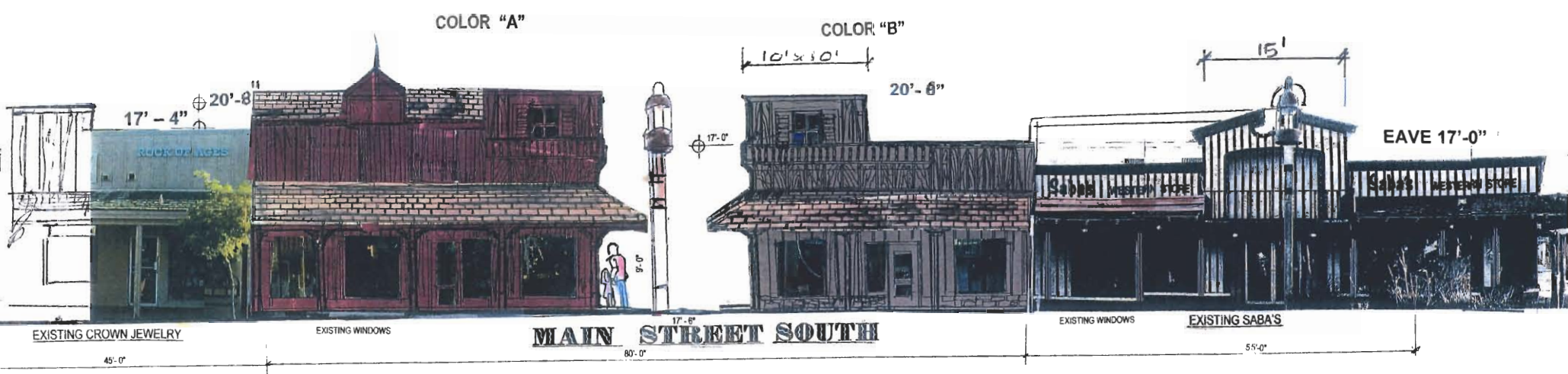
MAIN STREET <2>



### PROJECT DATA

PROJECT: FRONTIER STREET SHOPS  
ADDRESS: 7240 E. MAIN STREET  
ZONING: C-2 DOWNTOWN OVERLAY  
LEGAL: APN 130-23-118  
LOTS 16 & 17 BLOCK 6 SCOTTSDALE  
LOT AREA: 9840 SQ. FT.  
EXISTING BUILDING: 6527 SQ. FT.  
REMOVE ENCLOSED: 425 SQ. FT.  
PARKING REQ.: 6102/300= 21 CARS  
PARKING PROVIDED: 26.89 CARS  
(PREPAID IMPROVEMENT DIST.)  
HEIGHT MAX 26 FT.  
HEIGHT PROVIDED: 20' FT.  
EXISTING PATIO: 1230 SQ. FT.  
CAFÉ PATIO SEATING: 1000 SQ. FT.  
COVERED WALKWAY @ MAIN 75 LFT  
COVERED WALKWAY @ PATIO 180 LFT.

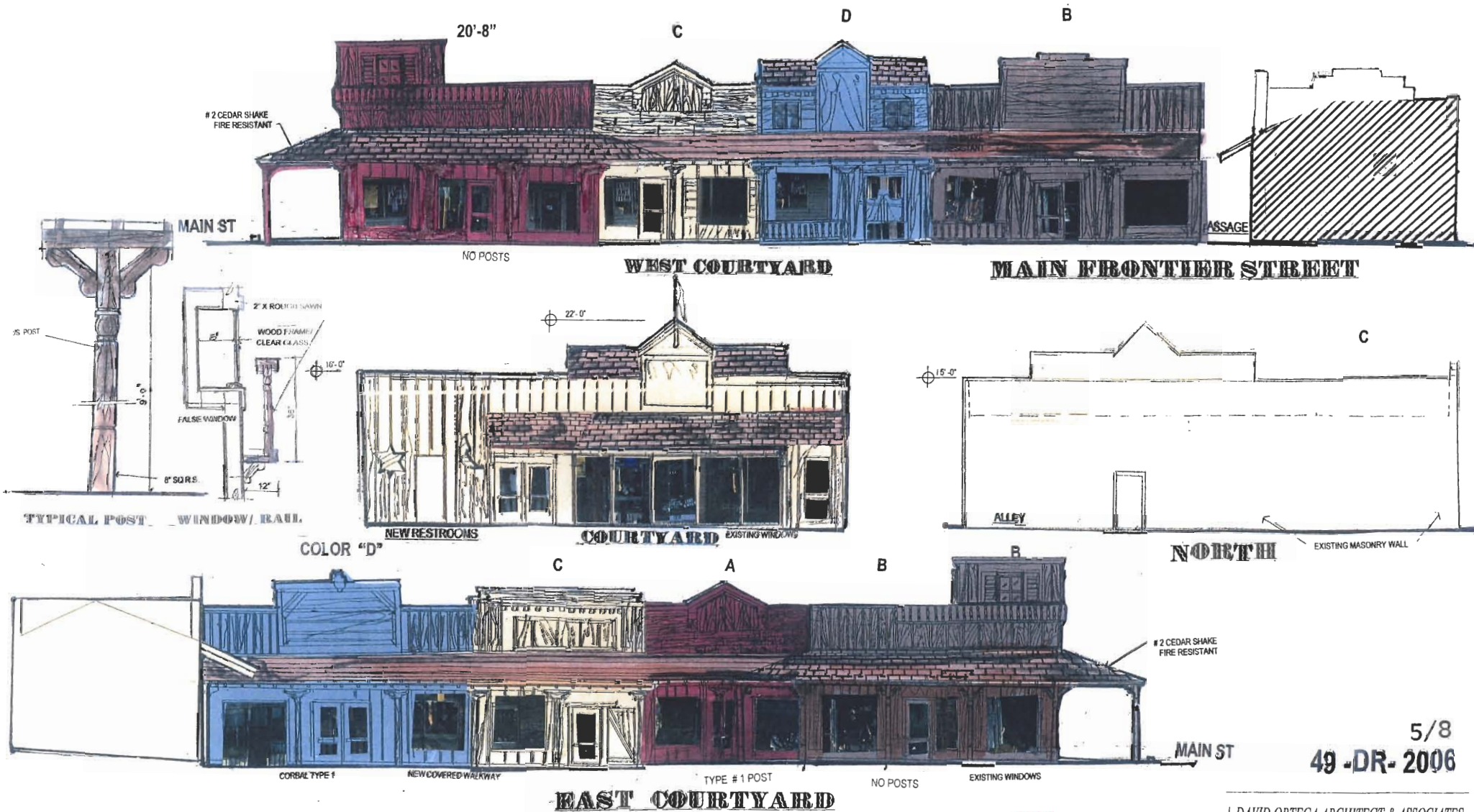




ATTACHMENT #8

49-DR-2006  
9/1/2006





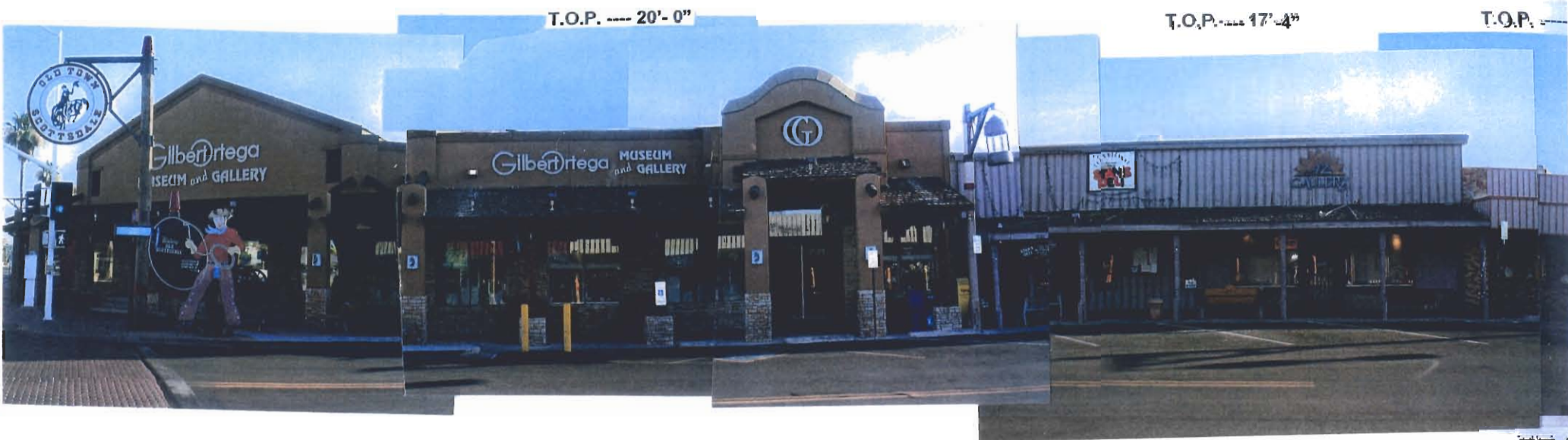
5/8  
49-DR-2006

49-DR-2006

9/1/2006

DAVID ORTEGA ARCHITECT & ASSOCIATES,  
7051 5TH AVENUE, SUITE 20  
SCOTTSDALE, ARIZONA 85251  
(480) 991-4774





MLA  
(EXIS)

O.P. ---17'-4"

T.O.P. ---15'-8"

T.O.P. ---16'-8"

T.O.P. --- 15'-8"

T.O.P. ---15'-0"

PEAK-- 19'-8"



MAIN STREET <2>

6/8

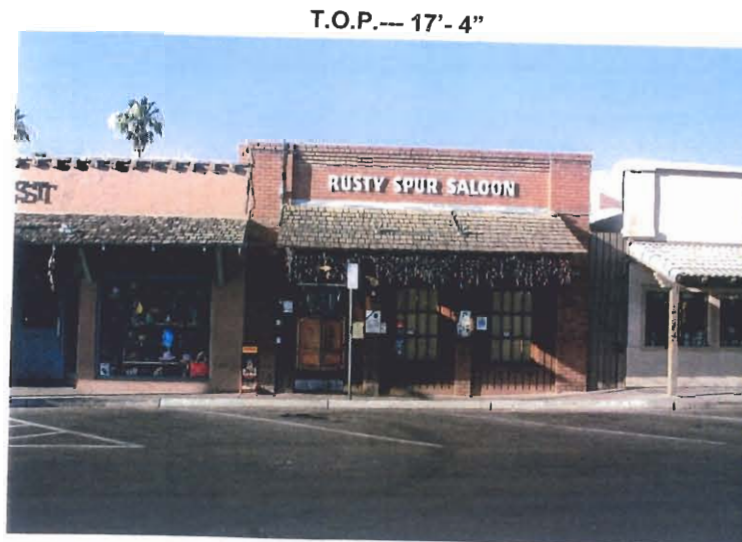
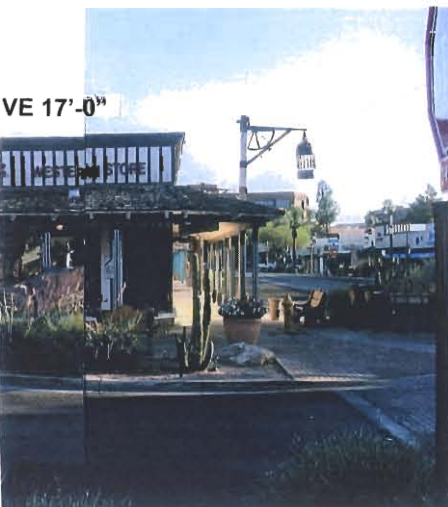
10. 08. 2006

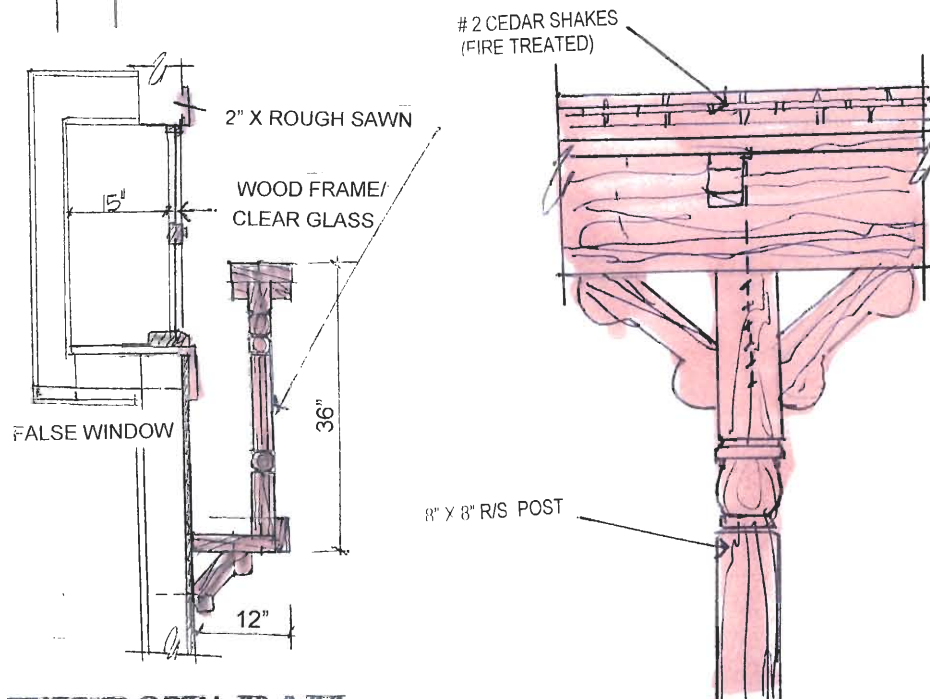
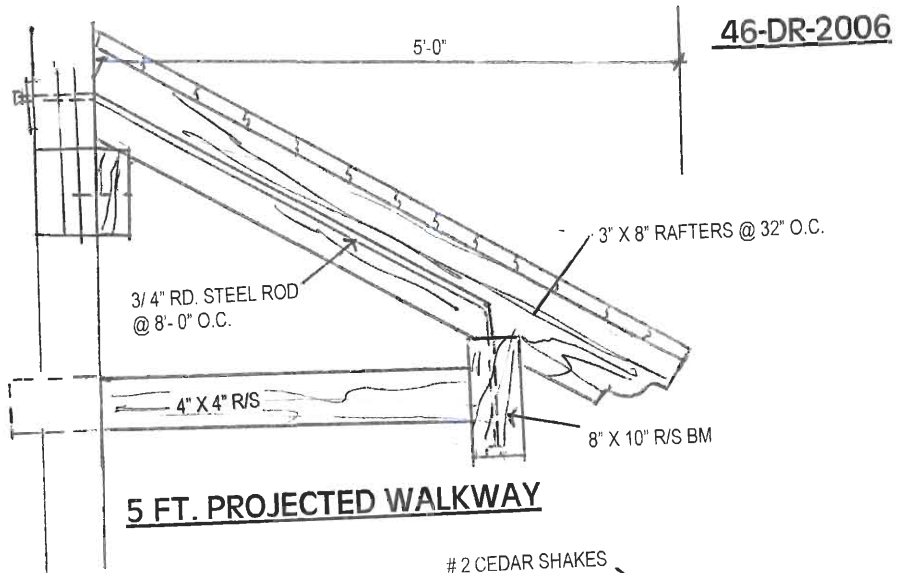




# MAIN STREET <1>

( EXISTING ELEVATIONS HEIGHT NOTED)





**WINDOW/ RAIL**

**9 FT. WALKWAY POST** 8/8



COLOR "B"

COLOR "A"

STONE TO MATCH SABA'S

COLOR "D"

COLOR "C"

ATTACHMENT #11

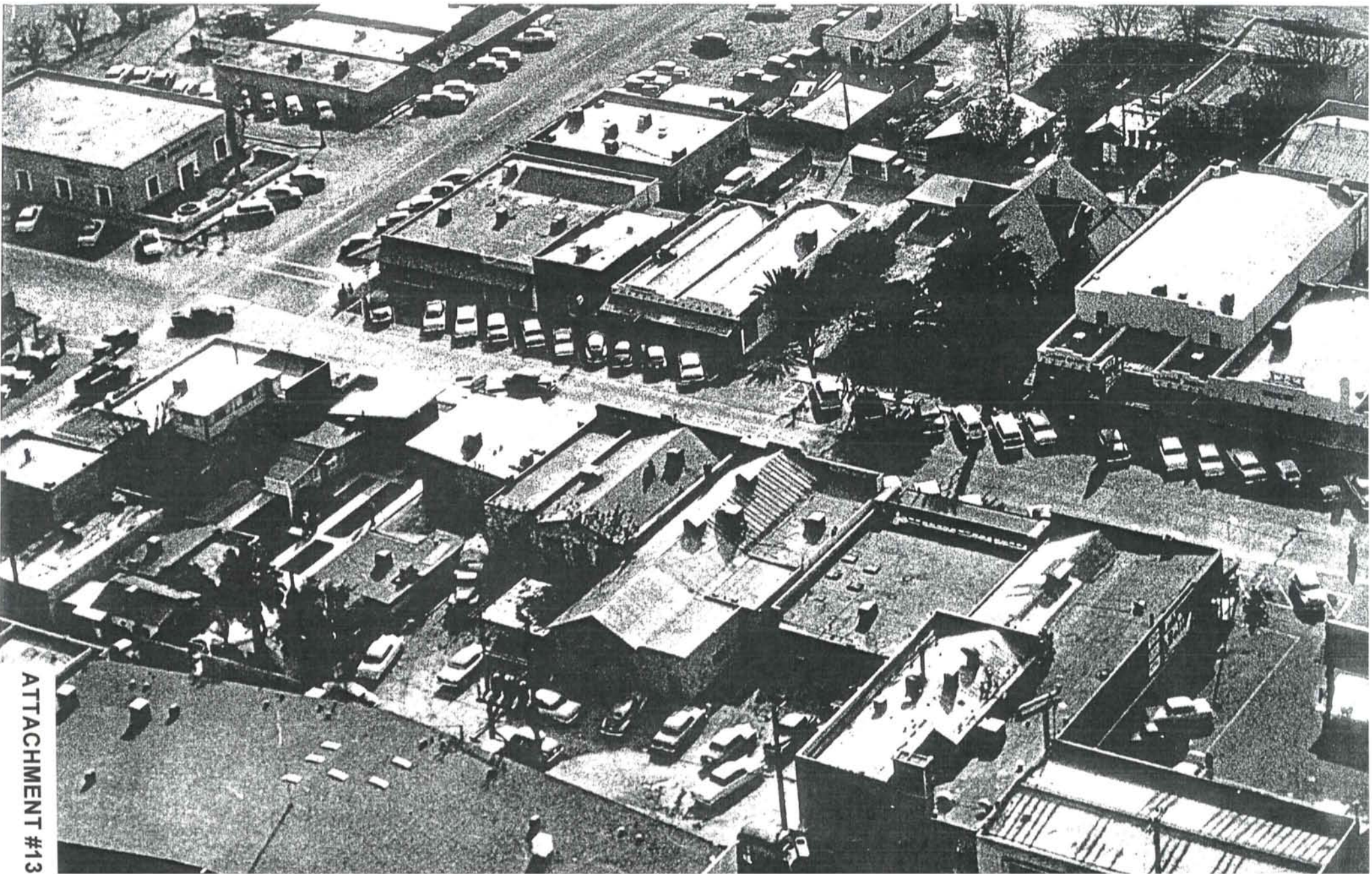




















NO EAST ON

STREET

1912

Arizona Photo Co.



### 3. **Retail/Office Building, 25-DR-2006**

Councilwoman Drake noted a conflict and recused herself from the case.

Mr. Symer addressed the Board, presenting an aerial photo of the area. He noted that the application was for a mixed use retail office development on the northeast corner of Camelback and Scottsdale Road.

In response to an inquiry by Board Member D'Andrea, Mr. John Riddell explained that the awnings are currently proposed as canvas mixed with flat steel. Alternate solutions are being considered. Board Member D'Andrea suggested using the opportunity to add color accent to the otherwise tan building. He noted that he liked the design and was impressed by the amount of building being fit into the small site.

In response to a question by Board Member Schmitt, Mr. Riddell confirmed that the property owners own the north retail buildings. The intention is not to use all of the same materials, but to bring in a few elements in order to tie the projects together. Board Member Schmitt encouraged the Applicant to consider adding color in order to add interest and continuity to the project.

In response to questions by Board Member Edwards, Mr. Riddell confirmed that the parking lot is shared with the existing retail center. Mr. Riddell explained that code does not require more than one staircase for the square footage of the second floor.

Mr. Cummins explained that it would be difficult to include public art on the site, due to size constraints. Also the master canal planning will be coming in south of the Riverwalk site, so there are multiple plans working to tie the area together.

In response to concern by Board Member D'Andrea, Mr. Symer confirmed that the required soil tests had been performed on the site, which is an old gas station lot.

Vice-Chairman Jones suggested the building may be more interesting if the round element were more integrated into the rest of the building. He agreed that color should be used to accent the proposed Navajo white color. He particularly appreciated the way transparent screen elements were used both within the wall plane and for sunshades.

### 4. **Frontier Street Shops, 49-DR-2006**

Mr. Symer addressed the Board, presenting an aerial photo depicting the site location on the northwest corner of Main Street and Brown. He noted that the applicant provided two elevations, one that was included in the packets and the second was presented during the meeting.

Mr. David Ortega addressed the Board. He highlighted the historical aspects of the building, including a mid-block inner passage courtyard that has been in existence since the 1930's. He reviewed the proposed color palette as well as the facade and courtyard designs, noting the goal was to provide a western flavor.

Vice-Chairman Jones opined that expanding the narrow gap and extending the overhang and posts would create a more dramatic entry. Mr. Ortega argued that that the standard nine foot entry could not be achieved; the height when turning into the

parapets will create a draw for that passage. Vice-Chairman Jones requested that the Applicant look into treating the passage as one 17'8" passage which would be more in scale with the courtyard. The entire width could be spanned while still providing cover along the buildings. He opined the area would be easier to lease if it were more accessible.

In response to a question by Board Member D'Andrea, Mr. Ortega explained that the upper stories and window were actually a facade used to bring more interest to the design. Mr. Ortega clarified that a landscaping plan would not be submitted because there will be little landscaping used; the courtyard will be mainly hardscape.

Councilwoman Drake commented that she appreciated the efforts to incorporate an Old Town western look. She agreed that continuing a shaded walkway over the entrance was important and expressed concern that ADA requirements may not be met through the arcade into the courtyard. Councilwoman Drake opined the roofline should be lowered in order to relate better to the other buildings. She expressed discontent with the color palette, particularly the cream color and red contrast, and with the use of faux brick and wood treatments on the storefront.

Mr. Ortega explained the concept was to appear to be a short street. The color palette was selected from colors found throughout Old Town. Councilwoman Drake stated that if the walkway were more open, it would invite people into the courtyard.

#### **ADMINISTRATIVE REPORT**

None.

#### **ADJOURNMENT**

With no further business to discuss, Councilwoman Drake moved for adjournment at 3:59 p.m.

Respectfully submitted,  
AV-Tronics, Inc.



VICE-CHAIRMAN JONES: Well, I'm gonna take a chance here.

**VICE-CHAIRMAN JONES MOVED FOR APPROVAL OF CASE 47-DR-2005,  
REFLECTIONS ON THE CANAL.**

COUNCILWOMAN DRAKE: Is there a second?

**BOARD MEMBER BRANTNER SECONDED THE MOTION.**

COUNCILWOMAN DRAKE: Seconded by Mr. Brantner, so it's been moved by Vice-Chairman Jones, seconded by Board Member Brantner to approve 47-DR-2005. Any further discussion? All those in favor signify by saying aye.

**THE MOTION CARRIED UNANIMOUSLY BY A VOTE OF SEVEN (7) TO ZERO (0).**

15.     49-DR-2006                   Frontier Street Shops

COUNCILWOMAN DRAKE: Next up, 49-DR-2006, Frontier Street Shops.

MR. SYMER: Good afternoon, Councilwoman Drake, Members of the Board, Dan Symer, Planning and Development Services. Case 49-DR-2006 is a redevelopment of the Frontier Retail building located on Main Street and Brown. It's approximately 55 feet west of Brown on Main.

We presented this case to you on the July 20th DRB in which the Board provided comments to the Applicant. Several of those comments are in your report and also on the screen before you. Staff is recommending a continuance of this case due to the fact that only one of the items of the five was addressed; which is the accessibility access to the courtyard with the concerns of the columns.

The Applicant has removed those columns as you can see in the south elevation to allow greater access through those areas. Additional comments talked about the colors between the red and the cream color, the spanning of the arcade across the front, the use of the block with the flux wood, and the roofline relationship to the new building, the new façade being put on.

As I stated earlier, we are recommending continuance of this case since not all items have been addressed. The applicant is here to make his presentation, so I'll hand it over to him.

COUNCILWOMAN DRAKE: Okay. Thank you. Mr. Ortega.

MR. ORTEGA: Hello, Councilwoman Drake and Board Members, I'm David Ortega. When we announced the project we -- it is our intent to create a Western look to add to Main Street and to really support all the businesses that are thriving there. We did our homework with the neighbors, we met and spoke with the Atkinsons, the Sabas next door, as well as the Rusty Spur across the street and so forth. We were able to get consensus; in your packets you have at least thirty signatures of people who approve of this project.

What we are doing, and in our last study session, we mentioned an inner passage and courtyard inner passage -- this is in your design guidelines for Downtown -- inner passage is encouraged both as open and shaded. And in the seven examples that are provided in the Design Guidelines, six of them have uncovered open passages. When I referred to this in the study session, and your minutes reflect, I mentioned the inner passage and courtyard approach; there was actually only one which had a covered passage way. We do not feel, and the whole intent of our project was to open up that area versus leaving it shut; at the present time it is shut, it is closed off.

So we were able to meet with the Sabas and discuss all those aspects so that Main Street could actually add, we are adding another 250 feet of Western look to Main Street, it's called a side-street. So we are able to, rather than having a blockage or a walkway just straight across which actually you have presently it doesn't really do much to get people in there. As we've said, we are consistent with our Downtown Guidelines; I've worked with them for a number of years. You had a question about, what we are presenting is a covered walkway, as for guidelines along Main Street except that it breaks open and goes into and continues inside the courtyard.

In your packets we've also shown how we've done this by eliminating the posts. And we cited several other examples of buildings Downtown that are historic and so forth that have no posts. So there's the Sugar Bowl, no posts, here's right across the street, a national registered property, the Rusty Spur, and Bichoff's also has no posts; what they did is they just used a cantilevering system. At Bichoff's Shades of the West, it's also interesting because there are no posts on Main Street. They have just a -- being cantilevered, it provides a shading for window shopping and it gets people looking at the place. Along Brown there are some posts. So it's kind of interesting, right across the street you have an example of a building which has both posts and no posts.

What we are doing -- and here's another look at -- let's see, I've already showed you the Rusty Spur. Here's an example right next door with the Saba's, and what Saba's did is at the corner they actually eliminated the posts, they cantilevered out so that their walkway along the front and Brown doesn't have any post at the corner. And also Saba's shows some differentiation in their own entrance element.

Along Main Street, and in your guide we've highlighted the red areas where there are no posts. Our solution, which works, allows shading that we wanted to accomplish in this upper example. However, along Main Street we do have posts before and after the break and then we have a shaded canopy which turns in. Once we get into the site, then we are able to go back with our post and beam situation. If you look at any of the historic Downtown tours, eight of the buildings Downtown have no posts so we feel very strongly that our solution of providing -- well, the question came from Councilwoman Drake about whether there were too many posts in that center area. We've been able to resolve that with a conventional walkway here, a conventional walkway there, and then having almost a 17 foot 8 pathway in.

We also are showing basically a car-less street, there are no cars. Most of what you have on Main Street doesn't actually give you much of a Western flavor because you've got cars and you've got reflections of cars in all the windows. We are able to accomplish a -- well, extend Main Street, shade our windows because we depend on window shopping, and then finally, we are able to give us rustic character.



We have a signoff from all of our neighbors. Basically, what's happening is we are carrying the same line of the adjacent building, it's also owned by Gilbert Ortega, but we are having a shed element and we are only going up three feet eight from that height. On this other side we are only two feet above there and then at the corner we are 10X10 square, giving us an opportunity to look like a bit of a two story there but there's no additional square footage.

Now, there were some -- well, I'll leave this up. There were some misperceptions, perhaps, all of the buildings are board and bat and for some reason there was a thought about veneer brick and I saw a statement I couldn't -- I can assure you that everything is board and bat, we did put some stone here to match Saba's, that's in your packet. So only that small wainscot underneath the windowsill just to be consistent with that. Now, we chose a neutral color next to Saba's so it wouldn't take away from the activity and the linework that they have there.

There was a question about the red color, which I referenced as Lulu belle's red, and red's always been on Main Street; you can see it right now at the Italian Grotto. And I think the intensity, that's why we gave you the actual rough's on wood with the paints, that is a color which is a consistent color with a Western look. And actually we only have two colors visible on the street.

Once again if you look at some of the historic properties that are considered really noteworthy or historic, the Pink Pony is pink, and the Sugar Bowl, of course, is pink also. But this is the only color that, the red color that we're putting on that corner to give it a little distinction. You would see a similar -- we don't think it's such a problem because we also have a red at the Italian Grotto right across the street on the corner of Main Street.

We were able to -- we have for you additional signatures from Rodger Saba, Marilyn Atkinson, Stan's Deli, and Loraine White who owns the corner of Main Street and this is available for you to review, those just weren't in your packet.

We did have one problem with one stipulation, and I appreciate the comments and trying to clear up whatever misunderstanding there may have been, but we had one problem with one stipulation; this courtyard area has always had a resident artist, cartoonist, they do caricatures. This little courtyard has always had outdoor vending, it's part of Downtown, Bichoff's has it, the Mexican Imports has it. And I noticed on page two, item 15 you are prohibiting that and we really can't live with that. We need to have that vending, it's going to be totally controlled within our area, and, you know, it's part of the asset of being Downtown and being part of Downtown.

I'll be glad to answer any questions that you may have. And in terms of covering what we have, I'll just check my notes. Again, all the signatures will be on record for you and we can add more, but many people are on vacation this summer.

COUNCILWOMAN DRAKE: Thanks. This isn't a popularity contest, but we appreciate the fact that you've been working with the neighbors on this, I understand. Comments from the Board? Mr. Jones.

VICE-CHAIRMAN JONES: Hi, Mr. Ortega. I've been comparing your elevations with the perspective and I have a little bit of a problem with it, in that they are significantly

different proportions. But the one possibility that we have been looking at up here is that maybe if you had a post right on the corner of your roof on either side, it might form more of a gateway and not leave that corner hanging out so loosely. And that one option for maintaining your clearance without the post would be to actually add some brackets; I mean, I'm not an expert on this kind of building. I don't do this kind of thing so I'm kind of guessing. And you know, you do it in more of a scenic way and a fun way here, so I appreciate that. But it just seems like it might complete the scene and still work for everything quite well to move some posts out to those corners and then support the portions of your side-roofs down the alley there that don't have posts with brackets so you get a sense of the continuity. And I wondered how you felt about that.

MR. ORTEGA: Well, thank you. We always integrate something from Caviler's Blacksmith shop in our designs. I've put in more hitching rings than anybody in the Valley probably and we will detail that. We also have kind of a neat rod iron looking lamp that's going to go outside. Structurally, we'll make sure it works and we are actually able to clear that area that full 17 foot 8 width and turn in with our cantilevered element. So we could add a bracket underneath that of some sort if -- but I could do that in black iron probably.

COUNCILWOMAN DRAKE: Could we maybe get the elevation up there on the screen so we have something to look at while we are talking? That would be helpful.

MR. ORTEGA: Sure.

VICE-CHAIRMAN JONES: It might be handy to put the perspective just above the -- put the elevation next to the perspective, because there is just a little different sense of what that opening is.

And I wasn't questioning the structural ability to put a corner out there eight feet or so, I'm just looking more at the continuity of the building. The implication when you put up posts with the side supports and everything is visually you feel like you need that and then when you suddenly need nothing, I think it creates some tension that just takes a little bit away from the continuity or the consistency of it.

MR. ORTEGA: Well, we are able to, and in fact this is maybe not the elevation you may have wanted to see, but essentially this covered area has no post and because the buildings notch back, the courtyard expands back there, we're able to get a full nine foot wide covered walkway back there.

VICE-CHAIRMAN JONES: I'm just looking at these two together --

MR. ORTEGA: Yes.

VICE-CHAIRMAN JONES: -- And you notice kind of the tall bays here, and they are wide here, but -- well, this one's a little distorted because I went ahead and drew the column in, but you know you had a full bay visually projecting out there, and it's kind of exaggerated when you see it in reality and I'm just wondering why. Does it block something, does it interfere with something to have a post there?

MR. ORTEGA: You know, the only thing that we would do is just be sure that the posts are ten foot on center on Main Street and work backward from that point, whatever



structurally makes sense. And I'm sure as we look at that in detail, we have started construction drawings on this project, so, you know, we are ready to roll with it and I'll take a look at that question.

COUNCILWOMAN DRAKE: Anything else? I was asking Mr. Jones if he was finished. I think Mr. Brantner, you had comments, and then we'll get to you guys.

BOARD MEMBER BRANTNER: I'm going to leave the experts up to the architectural part. My only comment is that the colors, I just -- I don't feel right about the colors. I think they're -- I look at the red and I think of a barn in Indiana, so I just, the colors need to be toned down or blend in better with the existing structures is my comment on that.

COUNCILWOMAN DRAKE: Mr. Schmitt.

BOARD MEMBER SCHMITT: Mr. Ortega, thank you for your presentation. I've been listening to this and we saw this in study session a few weeks ago and so forth and then I saw the article that you included in the package sort of relating this to Rawhide and those sorts of things. And in a way when I think about this part of Downtown, I almost think that we have to review this differently, we can't take ourselves too seriously; it's somewhat kitsch and whimsical and that's part of the success of it. And so for things to happen for no apparent reason there, don't bother me so much as it might in another location.

And so I'm looking at some of the photographs in here and I think we would have debated here for days about putting green stripes on Saba's or painting the Sugar Bowl pink, we could have debated all of those things, but they all seem to be kind of part of the character of that area. So as I look at your proposal here and the courtyard and the things that happen, I guess I don't have a big problem with it. I think I can support what you are doing here.

Just a couple comments and questions, one comment and one question. One comment is, is it possible or would it be feasible within these suites A and B to actually have an entrance that would happen off the side street rather than just off the front? It might help activate that side and draw people into that courtyard just a little bit.

MR. ORTEGA: Oh, absolutely. We are structurally looking at -- there are windows on the side and we are looking at adding doors as an opportunity. I want to impress on you -- yes, we will do that and that creates and fulfills an arcade along that area that's pretty meaningful. Because of this opportunity, and I just want to step a little further into it by saying, here's the property, this creates this beautiful little street coming down here that people will enjoy, stroll along here and continue, but there's also all this potential in this back area. And this is the only inner courtyard that has the opportunity to open up this back area, if that ends up occurring. There can still be a parking off the alley at 22 feet and still provide an interesting back area. So we have that opportunity.

This is a -- I've only had two other cases with a courtyard possibility and I want to also say how I appreciate you looking at this the way we've tried to express it. We started with that idea and people really do support us to get it done. I will go a little further in kind of saying something because the Downtown Overlay allows the investor to just fill in that patio, and I think that would be a huge lost opportunity. You are allowed up to four

thousand square feet with just a straight up walkway, and nothing would really bring that area to life. So we think we are giving it a shot that will improve all the businesses there.

And even at one point we were speaking with the City about the potential of a little theatre in that alley area. So that was a discussion, because the buildings only take up about 40 feet of the front economically, and that rear galley area has some potential. So I really appreciate your comments and I want to move forward with it.

BOARD MEMBER SCHMITT: Though outside the purview of our case today, I agree with your point about the big void space off the alley and that some of those alleys I think have potential to be created as pedestrian secondary streets in a way, so hopefully that's something that could evolve in the future.

My question that I had was relative to the stipulation that you referred to regarding vending machines and if you could maybe put your plan up and show us where you would intend vending machines and why that's so important to that courtyard; I would appreciate it.

MR. ORTEGA: Well, sure. We've always had vending machines there, visitors and tourists need that. We've had outdoor sales because there's a caricature artist. If you look at the history Gold and Ellis used to sing back there and we do have a café scheduled back there, too. So all of these involve outdoor sales. Let me see if I can get us the site plan that would show -- essentially we need to have outdoor vending, just that clause taken out of the approval. Basically, what we intend to do is, in this area is where they've always had a caricature artist, there's always been Coke machines over here, we actually plan to move them further back because we are putting in new restrooms, public restrooms in the back area. But, this courtyard will be used for seating for the café and, you know, pedestrian amenities, there could be Soleri bells, there could be other things that are seasonal. This is also one of the biggest centers of activity during the Fiesta Bowl.

MS. GALAV: Councilwoman Drake and Board Members, this is in the C2 District, the Ordinance says that all operations and storage shall be conducted within a completely enclosed building or within an area contained by a wall or fences determined by the Development Review Board approval or the use permit. Now, the stipulation that you see, you've seen it on all of our cases, that's a standard stipulation, so the Ordinance would govern in this case.

MR. ORTEGA: If I may, Ms. Chairman, I believe that we are grandfathered, number one, we are not asking for a new privilege. This, as I pointed out in study session, this is Business license 600, its one of the first and only remaining earliest business licenses. And if you refer to the administrative clause in the beginning of our project, we are not adding square footage, we are not materially changing greater than 20 percent and therefore I believe that will supersede applying that clause.

In our narrative originally we stated this, we stated that this is part of the character of Downtown, as we submitted it in DR to begin with.

COUNCILWOMAN DRAKE: It seems like this is an issue that we do need to get resolved if that stip is going to be modified at some point. So why don't we go on and see what other issues we have to talk about. Mr. Edwards.



BOARD MEMBER EDWARDS: Thank you. I had a comment and a question. My comment is, it looks like you are showing full size plate glass windows on the shop, on the lower level, the pedestrian level, and I was wondering if you would consider doing something more like the windows you've got above to kind of carry the Western theme with the muntins or the paned windows.

MR. ORTEGA: Actually, the original building is masonry block and that's a little delicate for changing the openings and windows in there. So at Main Street the openings probably will not change. We may put a door where a window is, but we're just maintaining the head height that's there, because of the structure being so old. And it's not our intent to change the glass or the windows in those areas. I think my perspective or my drawing should have just said that that we intend to keep the windows essentially where they are.

BOARD MEMBER EDWARDS: I'm not suggesting changing the openings, I'm just suggesting refitting them with paned windows to emulate the windows you're adding up top; does that make sense?

MR. ORTEGA: I hear that, but it wouldn't work for us for our stores or tenants to have paned windows, it's a maintenance problem and it doesn't really work. Now, what we do is we will do board and bat and complete it with more of a rustic look around the windows, frame them out.

BOARD MEMBER EDWARDS: Okay. The question I had was in the sketch rendering in the newspaper, it looks like you've got a tin roof on the red building, and in the new sketch it looks like its red; I assume it's a metal tin roof in reality?

MR. ORTEGA: We had intended to do a board and bat because it's just a small façade look. We had considered getting a slate tile or something else, but we ended up just blending that out with, essentially, board and bat. The feature is that the angle in it gives it a little boarding house look. We would be open to putting shakes on it for instance, up here, but the intent is -- at one point we didn't want to get a copper look there, that's why we had a green patina look.

BOARD MEMBER EDWARDS: Do you intend to paint it red to match the building?

MR. ORTEGA: Yes.

BOARD MEMBER EDWARDS: So it will be different than the rendition I'm seeing in the paper?

MR. ORTEGA: Correct. That was back in April when we did the original one. And then we did go through a process with staff, we had some blue tones and detailing our spindles here and those were taken out. We deleted about four colors because of staff's questions and ended up deleting those colors that would have given it a little contrast.

MR. EDWARDS: All right, thank you.

COUNCILWOMAN DRAKE: Thank you. Mr. D'Andrea?

BOARD MEMBER D'ANDREA: Concentrating on that same building, I think, if you could put up that perspective again real quick, one of the things that my concern would be, the detailing of how you would, if you were approaching from the south heading north how you would see the end detail of that roof. And then the other thing, I think, is if you would consider putting the wood plank; something was throwing me off there and I finally figured what it was is the verticality of the building next to it. You see how on the brown building you took the Saba's and you just put the plank vertically, and on the red building you took the plank horizontally that runs into a building with vertical planks, and I think it might help fit with the building next door if you turn the planks vertical in that one location. So that's just a suggestion. And then how you detail the end to make it look whole and not like a billboard type of thing; you know, if you just return the roof back you might have a gap unless you -- the detailing of that corner --

MR. ORTEGA: I understand. And actually, it's shown on the elevations what we plan to slant the back side of it, so as you approach it, it would look a little like a cupola. But generally you don't have that broad distance to be able to view anything as flat as an elevation. So all we are doing is completing the end with a small steeple element on it. So we are finishing the parapet by turning it. And it is shown in the drawings.

BOARD MEMBER D'ANDREA: Okay. Would you -- I mean, what is your response to the comment relative to the direction of the plank?

MR. ORTEGA: Well, what we did there is we just put clapboard look in that one section simply because -- it's the only place where we've done it, there's actually only one building on Brown that has that clapboard where it's run horizontal, and we just did that for variety. It's actually more expensive than just the T-111 with the bats on it.

BOARD MEMBER D'ANDREA: Okay.

COUNCILWOMAN DRAKE: Other comments from the Board? I guess I'll throw in my two cents worth. For one, I have no problem with eliminating the posts down that Main Street; I think by eliminating them there you really do solve some problems. My concern with them originally was that they were spaced five feet off of the storefronts so you had, if you were looking at ADA access or something it would have been impossible to maneuver through that space if you were in a wheelchair, for example. And because of the nature of that entrance, I think removing the posts and having that suspended canopy works just fine, so I'm not concerned about that. I'm not concerned personally about the brick red. I am concerned about the yellow, which I think is going to be a real contrast with the other colors you've picked out.

I would like to see you be allowed, if it were worked out, I like the idea of the artists or some sort of display, not the Coke machines; I love the idea of being able to continue that into the alley in some sort of back space.

One thing that really does concern me is that I'm looking at the building plan, the elevation, and the perspective drawings and they don't match; they are all different. For example on the building plan here, the overhanging canopy along the street angles as you turn back down into your alleyway or your internal street. On the perspective it comes to a right angle, and nothing -- you know it seems like there are some idea's that are incubating here, but all the drawings haven't quite caught up with your thinking perhaps. So that's just my concern at this point.



Anyway, obviously, you're inhaling, you'd like to say something, just keep it quick.

MR. ORTEGA: Councilwoman, I really appreciate your comments. We have no problem toning down the yellow or dialing it down a little bit. I say that because the sun's going to do it anyway and we look at it as a cream color. Secondly, I'm understanding better about what Vice-Chairman Jones also said about where the post occurs, I think it will occur dead on the corner before the angle cut.

So the way it's drawn needs to be moved a couple feet to line up with the end of the building, and that can be adjusted. We are on the same page.

COUNCILWOMAN DRAKE: Okay, great. Comments? Mr. Jones.

VICE-CHAIRMAN JONES: Well, you clearly know more about this area than I do and this type of architecture, so it's hard for me to be critical. However, I'm totally inclined to support the staff recommendation for continuance just because of uncertainty about what's really intended. I think there were several good ideas presented today that would be improvements to this project. And there's also questions of the potential entitlements regarding the grandfather clause, and just a lot of uncertainty and discontinuity and things just not matching up in the drawing. So my feeling is that you are going to get something very close to this approved ultimately and that much of what you're working on, you can continue to work on it, but I just don't feel that it's there yet and I can't support it at this time.

COUNCILWOMAN DRAKE: Other comments? Mr. D'Andrea.

BOARD MEMBER D'ANDREA: I just have a comment relative to the stipulation, more for staff I think. How does that impact and set precedence to future cases and future projects that would want to do something like that?

MS. GALAV: Councilwoman Drake and Board Member D'Andrea, we have consulted with legal counsel and, in fact, in our Ordinance there are two sections in the nonconforming section. Section related to abandonment of nonconforming structure or use of land in enlargement and extension and it's clearly stated in here that we are correct in our stipulation and that is an Ordinance issue. There doesn't appear to be any grandfathering because there is an enlargement, extension, and reconstruction of the structural alteration of the nonconforming use, if that has occurred.

COUNCILWOMAN DRAKE: Thank you. Other comments? Yes, Mr. Edwards.

BOARD MEMBER EDWARDS: I'd just like to second Board Member Jones's comments. I'm looking at the elevations, the Main Street elevations, and the rendering sketch and I see a lot of discrepancies. I see -- on the right-hand building I see two windows up on top in the sketch and I see one in the elevation. And I see a space between the railing in the red building elevation and the pitched roof, and then I look at the sketch and the railing looks like it's sitting on the pitched roof, and the window fenestration and doors don't match between the two. So I agree with Board Member Jones, I think you'll get what you're looking for, but I see a lot of clarity that's lacking here.

COUNCILWOMAN DRAKE: Any further discussion? If not, I'd be happy to accept a motion in this case. Mr. Brantner.

**BOARD MEMBER BRANTNER MOVED TO CONTINUE CASE 49-DR-2006 TO THE NEXT DR MEETING. VICE-CHAIRMAN JONES SECONDED THE MOTION.**

COUNCILWOMAN DRAKE: Okay. It's been moved by Board Member Brantner and seconded by Vice-Chairman Jones to continue this case to our next meeting or as soon thereafter as we can get the changes made. All those in favor signify by saying aye.

**THE MOTION CARRIED UNANIMOUSLY BY A VOTE OF SEVEN (7) TO ZERO (0).**

COUNCILWOMAN DRAKE: To be continued; thanks.

We'll take a five minute break before desert, I guess; the main event. So we'll reconvene then at ten of.

**Regular session recessed at 2:44 p.m. and reconvened at 2:54 p.m.**

16. 88-DR-2005#3 SkySong Residential Phase III

BOARD MEMBER EDWARDS: Councilwoman Drake, I'm going to have to recuse myself from this discussion.

COUNCILWOMAN DRAKE: Thank you. Would you please let the record show that Mr. Edwards has recused himself on this case?

So we have 88-DR-2005#3, SkySong Residential. Mr. Cummins.

MR. CUMMINS: Good afternoon, Councilwoman Drake, Members of the Board. I will be brief here this afternoon before introducing the Applicant team to walk you through the project. I just want to walk through a little bit of the background and explain how we got to where we are. Firstly the Board should have received supplemental materials at the dais this afternoon that were submitted by the Applicant today; so you can field through some of those. They are mostly 3-D renderings and things the Board had asked for at the last meeting that this item was discussed.

The request before you this afternoon is for the next phase of the SkySong development, which is located at a site on the southeast corner of McDowell Road and Scottsdale Road; formerly the Los Arcos Mall, then became the ASU Planned Community District, and now is generally referred to as SkySong. The portion of land that's being discussed this afternoon, as I think everyone is aware, is located down in the southeastern quadrant of the site and is proposed to be a residential development of 325 units which is roughly 8.8 dwelling units per acre over the course of the entire planned community development.

Generally speaking the building will be 60 feet in height. There will be 496 parking stalls required from the project, all of those parking stalls will be provided in the garage, which will be totally encapsulated by the proposed apartment structure.